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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,949	12/10/2003	Horst Schonebeck	60,130-1980;00mra0443	6778
26096	7590	10/14/2004	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			BLANKENSHIP, GREGORY A	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/731,949

Applicant(s)

SCHONEBECK, HORST

Examiner

Greg Blankenship

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-16 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 10/280,867.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/10/03, 12/29/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 7-12, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartoli et al. (FR2729621).

Bartoli et al. disclose a deformation element having a first base part (5) and a second base part (4). The first base part (5) has several truncated cone shaped protrusions extending from the base. The second base part (4) has several truncated cone shaped recesses. The protrusions penetrate into the recesses such that the recesses deform the protrusions. The angle between a side surface of the protrusion and a middle axis of the protrusion is larger than an angle between the side surface of the recess and the middle angle of the recess. An irregular shape is formed by a variation in the angle between the side surface of the protrusion and the middle axis of the protrusion during deformation. An irregular shape is formed by a variation in the angle between the side surface of the recess and the middle axis of the recess during deformation. The cross-section of the front face of the protrusion is smaller than the cross-section of the front surface area of the recess. The cross-section of the foot surface area of the protrusion is larger than the cross-section of the front surface area of the recess. The base parts are capable of being attached to a car outer body part or a lining of a vehicle interior space.

### *Claim Rejections - 35 USC § 103*

Art Unit: 3612

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartoli et al. (FR2729621) in view of Salloum et al. (3,933,387).

Bartoli et al. does not disclose the claimed truncated pyramid shape.

Salloum et al. teaches the use of truncated pyramid shaped protrusions and recesses in a deformation element.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the protrusions and recesses of Bartoli et al. as truncated pyramids, as taught by Salloum et al., to provide the desired energy absorption characteristics.

5. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartoli et al. (FR2729621) in view of Renault (6,070,905).

Bartoli et al. does not disclose that one of the bases is made of a foamed plastic that is softer than the other base.

Renault teaches making one base (8) of a foamed material that is softer than the other base (7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make one of the bases of Bartoli et al. of a foam material that is softer than the other base, as taught by Renault, to provide the desired energy absorption characteristics.

*Allowable Subject Matter*

Art Unit: 3612

6. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is (703) 305-0223:

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231


**Or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

**or:**

(703) 746-3511, (for informal or draft communications, please clearly label "FOR DISCUSSION PURPOSES ONLY", "PROPOSED" or "DRAFT")

gab  
September 24, 2004

  
9/27/04  
D. GLENN DAYOAN  
SUPERVISORY PATENT EXAMINER  
EBC CENTER 3600